

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SET CAPITAL LLC, et al., Individually and
on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

CREDIT SUISSE GROUP AG, CREDIT
SUISSE AG, CREDIT SUISSE
INTERNATIONAL, TIDJANE THIAM,
DAVID R. MATHERS, JANUS HENDERSON
GROUP PLC, JANUS INDEX &
CALCULATION SERVICES LLC, and
JANUS DISTRIBUTORS LLC d/b/a JANUS
HENDERSON DISTRIBUTORS,

Defendants.

Case No.: 1:18-cv-02268-AT-SN

**DECLARATION OF MICHAEL B. EISENKRAFT IN SUPPORT OF LEAD PLAINTIFFS’
MOTION FOR CLASS CERTIFICATION**

Pursuant to 28 U.S.C. § 1746, I, Michael B. Eisenkraft, declare as follows:

1. I am a member in good standing of the New York bar and I am admitted to practice in this District. I submit this declaration in support of the motion filed by Set Capital LLC, Stefan Jager, Aleksandr Gamburg, and Apollo Asset Limited¹ (“Lead Plaintiffs”) to: (i) certify a class of all persons and entities that purchased or acquired the VelocityShares Inverse VIX Short Term Exchange Traded Notes between January 29, 2018 and February 5, 2018, inclusive, and who were damaged thereby; (ii) certify a class of all persons and entities that sold or redeemed the XIV Notes

¹ Apollo Asset Limited was previously referred to as ACM in the pleadings as Counsel believed that Apollo Asset Limited had changed its name to ACM. Counsel recently learned that the corporate name-change from Apollo Asset Limited to ACM was never filed with the relevant authorities, so the name of the entity did not formally change and remains Apollo Asset Limited. Counsel plans to file the appropriate form or motion to correct the docket shortly.

on or after February 5, 2018 and who were damaged thereby; (iii) certify a class of all persons and entities that purchased or acquired XIV Notes pursuant to or traceable to Credit Suisse's Offering Documents; (iv) certify Lead Plaintiffs as representatives of the proposed Classes; and (v) appoint Co-Lead Counsel, Cohen Milstein Sellers & Toll PLLC and Levi & Korsinsky, LLP as Class Counsel.

2. Attached as exhibits hereto are true and correct copies of the following:

Exhibit A: Expert Report of Professor Joshua Mitts, PhD;

Exhibit B: Joint Declaration of Lead Plaintiffs;

Exhibit C: Firm Biography of Cohen Milstein Sellers & Toll PLLC; and

Exhibit D: Firm Biography of Levi & Korsinsky, LLP.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: July 1, 2022

Respectfully submitted,

/s/ Michael B. Eisenkraft

Michael B. Eisenkraft